

USER'S GUIDE TO THE -IR- DATABASE

**Indiana Register and Indiana Administrative Code
Legislative Services Agency
One N. Capitol, Suite 325
Indianapolis, IN 46204**

I. INTRODUCTION

The Indiana Legislative Services Agency (LSA) is the official publisher of the *Indiana Register* (IR) and the *Indiana Administrative Code* (IAC) under the direction of the Indiana Legislative Council.

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II. BRIEF HISTORY OF RULEMAKING IN INDIANA

ESTABLISHMENT OF UNIFORM RULEMAKING PROCEDURES

Prior to 1943, uniform rulemaking procedures were nonexistent. Early statutes conferring rulemaking power on state agencies were occasionally designed to ensure public access to rules, but little else. The earliest of these statutes, the 1881 Health Board Act (Acts 1881, Chapter 19), merely required that rules be “promulgated.” Other statutes, such as the law creating the Livestock Commission (Acts 1889, Chapter 212) and the Labor Commission (Acts 1897, Chapter 88), required availability for inspection and, with some exceptions, printing of rules. The most comprehensive of the early efforts applied to the Railroad Commission and its successor, the Public Service Commission. Acts 1905, Chapter 53, required the Railroad Commission to furnish each railway company with copies of rules twenty days before they were to take effect. Rights to notice, hearing, and public participation were added in 1913 (Acts 1913, Chapter 76) when the railroads and other utilities were brought under the control of the Public Service Commission. Rules promulgated in conformity with these statutes were to be admissible as evidence in Indiana courts. However, these statutes were not generally used as models for other rulemaking legislation.¹

In this early period, Indiana courts were more concerned with the substance of rules than the procedures for their adoption. See, *Fertich v. Michener* (1887), 111 Ind. 472, 11 N.E. 605. Procedural matters concerning rulemaking and administrative adjudication were thought to be discretionary, depending upon the exigencies of the situation in which an administrative agency might find itself. It was thought that because the legislature could make rules without special public hearings beyond those constitutionally required for the conduct of legislative business, agencies could, too. See, *Vandalia Railroad v. Public Service Commission of Indiana* (1916), 242 U.S. 255, 61 L.Ed. 276. As late as 1938, the courts were still holding that administrative rulemaking was merely part of the administrative duties of an agency, and no additional procedural safeguards were necessary beyond those in the existing statutes. See, *Financial Aid Corporation v. Wallace* (1939), 216 Ind. 114, 23 N.E. 472. In 1943, the Indiana General Assembly took its first step toward establishing uniform rulemaking procedures. Acts 1943, Chapter 213 (“1943 Act”) required that all rules adopted after November 3, 1943, be approved and filed prior to becoming effective. Rules were to be approved by the Attorney General and the Governor and filed with the Secretary of State and the Legislative Bureau. When promulgated in conformity with these procedures, the rule was to be admissible as evidence in any court proceeding after certification by the Secretary of State.

Soon after the passage of the 1943 Act, Governor Gates and Attorney General Emmert authorized a study commission within the Attorney General’s office to examine the entire field of administrative law. Comprehensive revision was found impossible to implement before the 1945 session of the General Assembly, so the study commission concentrated on administrative rulemaking. Revision of the administrative adjudication process was left to the 1947 session.

In the 1945 session, the General Assembly enacted Acts 1945, Chapter 120 (“1945 Act”). The 1945 Act reenacted the 1943 Act’s provisions concerning approval and filing and enacted additional uniform procedures similar to those in an early draft of the Model Administrative Procedures Act adopted by the National Commission on Uniform State Laws in 1946. Subsequently, the 1945 Act was codified as IC 4-22-2 and, with significant amendments and additions made in 1985, continues in force today.

The State’s initial effort to publish an official codification of rules was authorized by the 1945 Act. The 1945 Act required the Secretary of State to compile, index, and publish all rules in effect on January 1, 1946. This initial code was to be supplemented each year by a cumulative pocket-part supplement.

The Secretary of State published Indiana’s first official codification of rules on January 1, 1947, under the title *Indiana Rules and Regulations*. In each subsequent year through 1979, that office published a noncumulative supplement under the title *Additions and Revisions to Rules and Regulations*. Ordinarily, rules filed with the Secretary of State in a particular calendar year were published in the following year’s supplement in an uncoded form. In a few cases, lengthy rules were not published at all. Except in 1947, rules were neither indexed nor codified. The Secretary of State published the last noncumulative supplement in 1979. This volume contained rules filed with that office from January 1, 1978, through May 15, 1978.

Between 1977 and 1981, the General Assembly enacted a series of amendments to IC 4-22-2 that established a new method of publication for state rules. Rules filed with the Secretary of State, proposed rules, emergency rules, and selected other documents, such as official opinions of the Attorney General and executive orders of the Governor, were

to be published by the Legislative Council in the *Indiana Register*. In addition, the Legislative Council was to annually compile, computerize, index, and publish Indiana's rules in an edition of the *Indiana Administrative Code* or a cumulative supplement to the *Indiana Administrative Code*. The Legislative Council began publication of the *Indiana Register* on July 1, 1978, and continued to publish it on a monthly basis through the July 1, 2006, *Indiana Register*. The *Indiana Register* is now published on the Internet only and on a more frequent basis. The Legislative Council published the first *Indiana Administrative Code* in 1979 and supplemented it through 1983 with a soft-bound cumulative supplement.

The 1979 edition of the *Indiana Administrative Code* codified all agency rules in effect on December 31, 1978. With the assistance of the Code Revision Commission, chaired by Senator Leslie Duvall, the Legislative Council compared all rules filed with the Secretary of State after January 1, 1946, against the text of the 1947 Edition of *Indiana Rules and Regulations* to identify all rules in effect. These rules were arranged and numbered in code format and submitted to the agencies having jurisdiction over them for certification. Certified rules were then compiled in the 1979 Edition. IC 4-22-9-3(c) provides that rules "filed with the Secretary of State before December 2, 1978, but not compiled in the 1979 edition of the *Indiana Administrative Code* are void."

The 1984 edition was the first recompilation of the *Indiana Administrative Code*. It replaced the 1979 edition of the *Indiana Administrative Code* and its 1983 cumulative supplement. The 1988 edition was the second recompilation of the *Indiana Administrative Code* and replaced the 1984 edition of the *Indiana Administrative Code* and its 1987 cumulative supplement. The 1992 edition was the third recompilation of the *Indiana Administrative Code* and replaced the 1988 edition of the *Indiana Administrative Code* and its 1991 cumulative supplement. The 1996 edition was the fourth recompilation of the *Indiana Administrative Code* and replaced the 1992 edition of the *Indiana Administrative Code* and its 1995 cumulative supplement. The 2001 edition was the fifth recompilation of the *Indiana Administrative Code* and replaced the 1996 edition of the *Indiana Administrative Code* and its 2000 cumulative supplement. The 2003 edition, published in CD-ROM format, was the sixth recompilation of the *Indiana Administrative Code* and replaced the 2001 edition and its 2002 supplement. The 2004 edition was the seventh recompilation of the *Indiana Administrative Code* and replaced the 2003 edition. The 2005 edition, published in CD-ROM format, was the eighth recompilation of the *Indiana Administrative Code*, contained all agency rules in effect after December 31, 1978, through September 9, 2004, and replaced the 2004 edition. Since the publication of the 2005 edition, the *Indiana Administrative Code* has been updated on the Indiana General Assembly's Web site monthly and, beginning July 2006, will be updated as final rules become effective.

The *Indiana Administrative Code* is the only available publication containing all of Indiana's current rules. At various times, a private publisher, The Bobbs-Merrill Company, Inc., supplemented the Secretary of State's efforts with an unofficial compilation of rules. In 1941, Professor Frank E. Horack, Jr. of the Indiana University School of Law made an exhaustive search of state office files and collected the rules he found into a loose-leaf publication under the title *Indiana Administrative Code*. It was supplemented until 1947 and discontinued. In 1967, at the suggestion of the Secretary of State and with his cooperation, Bobbs-Merrill resumed publication of rules under the titles *Burns' Indiana Administrative Rules and Regulations, Annotated* and *Burns' Indiana Administrative Rules and Regulations, Code Edition*. This publication was discontinued in 1978.

¹A detailed review of Indiana's experience with administrative rulemaking prior to 1962 is contained in an article published in the *Indiana Law Review* by P. Allan Dionisopoulos entitled "Procedural Safeguards in Administrative Rule Making in Indiana" (37 Ind. L.J. 423 (1962)). Professor Dionisopoulos's article was especially helpful in the preparation of this brief history of Indiana rulemaking.

III. USER'S GUIDE TO THE INDIANA ADMINISTRATIVE CODE

A. GENERAL INFORMATION

1. Official Publication Status: The *Indiana Administrative Code* is an official publication. IC 4-22-9-3(b) provides that publication in the *Indiana Administrative Code* “shall be prima facie evidence that the rule was adopted in conformity with IC 4-22-2 and that the text published is the text adopted.”

2. Publication Arrangements: Arrangements for publication of the *Indiana Administrative Code* were made by the Indiana Legislative Council under IC 4-22-8-11. In making its decisions, the Council relied heavily on the recommendations of the Indiana Code Revision Commission, an advisory body. The *Indiana Administrative Code* posted on the Indiana General Assembly Web site includes the text of all unrepealed and unexpired permanent rules and, beginning July 2006, will be updated as final rules become effective.

3. Publications Replaced by the *Indiana Administrative Code* Posted on the Indiana General Assembly Web Site: The 2005 edition of the *Indiana Administrative Code* is obsolete. Unrepealed, unexpired, and unamended rule text appearing in the 2005 edition of the *Indiana Administrative Code* has been updated on a monthly basis on the Indiana General Assembly Web site and, beginning July 2006, will be updated as final rules become effective. To this body of text has been added the latest version of added or amended rule text appearing in all previous volumes of the *Indiana Register*. The 2005 edition and Volumes 28 and 29 of the *Indiana Register* are now of historical interest only.

4. Supplementation: The *Indiana Administrative Code* is updated by the *Indiana Register*.

B. EDITORIAL POLICY

1. Official Rule Text: Rule text is printed in the *Indiana Administrative Code* as adopted, without any intentional deviations. Nonsubstantive style matters, such as the scheme of numbering and capitalization used in some provisions, have been changed to bring them into conformity with the style of the *Indiana Administrative Code*. Other matters have been referred to the issuing agency for remedial action.

2. Annotations: As an aid to the reader, the *Indiana Administrative Code* contains a series of annotations that are not part of the official text of any adopted rule (see explanation of annotations in Sections D and E of this User's Guide). IC 4-22-9-4 provides that they “are not part of the official text of any rule, are not intended to affect the meaning, application, or construction of any rule, and may be altered at any time by the publisher of the *Indiana Register* or *Indiana Administrative Code*.”

3. Unpublished Rule Text: The *Indiana Administrative Code* does not contain the text of rules that expire within one year after the date issued. Neither does it contain material that is incorporated by reference into a permanent rule. Nonpermanent rules are printed only in the *Indiana Register*. The text of material incorporated by reference is not printed in the *Indiana Register*. However, the *Indiana Register* contains a notation following the published version of each rule document indicating whether the full text of incorporated matter is available in the Office of the Secretary of State or, for documents filed after June 30, 2006, the publisher's office.

4. Noncode Rules: Noncode rules are not included in the *Indiana Administrative Code* and are not considered part of the general and permanent rule text. If a rule document has general application, but is not permanent by statute, it is considered “temporary” and may be drafted as a noncode rule. Temporary, noncode rules generally include provisions that contain a specific termination date that is not more than five years after the effective date, provide for transitional or implementary matters as an emergency provision to a permanent rule, or terminate by implication when their purpose is fulfilled or ceases to exist. Noncode rules are printed only in the *Indiana Register*.

5. Deletion of Noncurrent Rule Text: After rule text is included in the *Indiana Administrative Code*, it is retained until expressly repealed by the action of the issuing agency or voided by the Indiana General Assembly or until it expires under the sunset provisions of IC 4-22-2.5 or IC 13-14-9.5, which state that an administrative rule adopted under IC 4-22-2 or IC 13-14-9, respectively, expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. When rule text is amended, the later version replaces the text of the former version.

6. Copyright: This database contains certain materials that are copyrighted by West Group under United States law. The section headings and authority and affected lines may not be copied, reproduced, or reprinted without the permission of West Group, except as provided under U.S. Copyright law. To obtain permission to copy, reproduce, or reprint copyrighted material described above, contact the West Group at 6111 Oak Tree Boulevard, Cleveland, Ohio 44131. Beginning in 2002, with Volume 25 of the *Indiana Register*, the section headings and authority and affected lines for new and amended sections are prepared by the state agencies, reviewed by the publisher, and are not subject to a copyright by West Group.

C. ORGANIZATIONAL SCHEME

1. Arrangement: The *Indiana Administrative Code* contains over 100 groupings of rules called “titles.” Each title contains the rules of one agency. For the purpose of making rules, an “agency” is a governmental body that is given separate authority to issue rules, even if the body is administratively organized as part of another body. Titles are organized into successively smaller units by subject matter. Rule text in a title is arranged into one or more “articles;” rule text within each article is arranged into one or more “rules;” and rule text in each rule is arranged into one or more “sections.” Regardless of when they are issued, related subject matters are grouped together.

2. Citations: Citations to the *Indiana Administrative Code* involve the use of a four-part number for each section. The four parts, separated by dashes, designate, in order, the title, article, rule, and section in which the rule text is arranged.

3. Designations: The divisions within a section, usually referred to as “designations,” are not part of an *Indiana Administrative Code* citation. The drafting style developed by the Legislative Council allows paragraphs in a section to be grouped and designated as “subsections.” Phrases within a paragraph are vertically listed and designated into successively subordinate units called “subdivisions,” “clauses,” “items,” and “subitems.” A series of tables, pieces of artwork, exhibits, footnotes, equations, or formulas within a paragraph are consecutively designated as a separate series in each section. However, particularly in text issued on or before December 1, 1978, the publishing deadline for the 1979 edition, other designation schemes may be used within a section.

4. Assignment of Citations and Designations: Initially, the agency issuing a rule assigns its *Indiana Administrative Code* citations and designations. Before it is printed in the *Indiana Register*, the publisher reviews the numbering scheme and reassigns *Indiana Administrative Code* citation numbers and designations, as necessary, to bring the text into conformity with the style developed by the Legislative Council. Once assigned, an *Indiana Administrative Code* citation number is permanently associated with the same subject matter. Designations, on the other hand, may change as needed to maintain consecutive series. All amendments to a section are assigned the same *Indiana Administrative Code* citation. Provisions that supplement the subject of an article or rule are assigned to the same article or rule. When text expires, is voided, or is repealed from the *Indiana Administrative Code*, its associated citation is retired. Except when rule text is saved and transferred by the General Assembly, rule text may be renumbered only by expressly repealing it by *Indiana Administrative Code* citation and readopting it under a different *Indiana Administrative Code* citation.

5. Decimal Citations: When a citation is originally assigned to an added title, article, or rule, only whole numbers are used. As provisions are added to the title, article, or rule by subsequent action, decimal numbers are sometimes used to locate rule text near a previously added provision. For example, Article 9.5 will follow Article 9 and precede Article 10. As an aid to the user, the notation “(Reserved)” has been inserted wherever a whole number citation is unused in a series of whole numbers. However, the notation is not inserted for unused decimal citations.

6. Renumbering Transferred Rules: The rules of an agency are transferred and renumbered as the rules of a successor agency only if the Indiana General Assembly expressly saves and transfers the rules by statute. Rules shown as transferred before August 12, 1987, but not expressly saved and transferred by statute, have been reinserted under their original *Indiana Administrative Code* citation numbers. Annotations have been inserted to document each renumbering action.

D. ANNOTATIONS: HEADINGS AND ANALYSES

1. Text Headings: Prior to 2002, the rule text in each title, article, rule, and section is preceded by a heading prepared by West Group; beginning in 2002, with Volume 25 of the *Indiana Register*, the headings are prepared by the state agencies and reviewed by the publisher. Each heading consists of a citation number component and a descriptive component. The citation number component reflects the *Indiana Administrative Code* citation number assigned by the publisher to the text. The descriptive component in a title heading is the official name of the agency assigned by statute. The descriptive component in each of the other headings contains a brief subject matter description of the text in the division.

2. Promulgated Headings: Some rule text, particularly rule text issued before publication of the 1979 edition, contains adopted section headings and subsection headings in addition to the headings added by West Group. Beginning January 1, 1983, the publisher’s policy has been to treat these headings as improperly formatted annotations and to eliminate all promulgated headings as text is added or amended. Under the authority in IC 4-22-8-4, the publisher may reformat, renumber, and revise rule text before it is printed in final form in the *Indiana Register*.

3. Headings for Deleted Rule Text: When rule text is deleted from the *Indiana Administrative Code*, the heading preceding the text is retained with a note explaining the deletion. The following table summarizes the most common heading notes appearing in the *Indiana Administrative Code*:

<u>Note</u>	<u>Explanation</u>
Agency Abolished	The Indiana General Assembly has terminated all of the authority of an agency to act and has not saved and transferred the rules of the agency to another agency.
Expired	Under IC 4-22-2.5 or IC 13-14-9.5, the rule expired.
Reinstated	The Indiana General Assembly has reinstated previously repealed rules of an agency.
Repealed	The agency has expressly repealed the provision by rule.
Statutory Authority Repealed	The Indiana General Assembly has repealed the authorizing statute.
Transferred	The Indiana General Assembly has transferred jurisdiction over part or all of the powers and duties of an agency to another agency and has saved the related rules of the prior agency and transferred them to the successor agency related to the subject.
Voided	The Indiana General Assembly has expressly voided part or all of the rules of an agency.

E. ADDITIONAL SECTION ANNOTATIONS

1. Standard Section Annotations: Each section containing text is accompanied by a section heading, authority and affected lines, a section designation, and a history line.

2. Authority and Affected Lines: Related Indiana statutory laws are cross-referenced in authority and affected lines preceding rule text. Citations that delegate rulemaking authority to an agency are arranged in the authority line. Other provisions that are cited within the text of the section or are otherwise closely related to the subject matter of the section are arranged in the affected line.

3. History Lines: The history line includes the name of the agency currently having jurisdiction to amend or repeal the section, the citation number initially assigned to the section by the agency filing it with the publisher, and filing and publication information for each action that either added, amended, or readopted text in the section. History line information is deleted from the *Indiana Administrative Code* when a section is repealed. The following table explains the history line citations used to summarize a section's filing and publication history:

<u>Example</u>	<u>Explanation</u>
filed Jan 15, 2000, 10:40 a.m.	Date and time a rule document was filed with the Secretary of State or, after June 30, 2006, the publisher.
Rules and Regs. 1971, p. 95	Year of publication and page number on which an addition or amendment of the section was printed in the Secretary of State's publication <i>Indiana Rules and Regulations</i> (1947) or <i>Additions and Revisions to Rules and Regulations</i> . (Applies to rules issued on or before May 15, 1978.)
Unpublished	Indicates that an addition or amendment affecting a section was not published in <i>Indiana Rules and Regulations</i> (1947) or <i>Additions and Revisions to Rules and Regulations</i> . (Applies to rules issued on or before May 15, 1978.)
25 IR 1266	Volume and page number on which an addition, amendment, agency correction, or readoption of the section was printed in an issue of the <i>Indiana Register</i> . (Applies to rules issued after May 15, 1978, through rules published in the July 1, 2006, <i>Indiana Register</i> .)
Document Identification Number	See an explanation of the Document Identification Number (DIN) in Section IV of the User's Guide to the -IR- Database.
eff Jul 1, 2003	Appears only if a delayed effective date provision was contained in a rule document that added or amended the section. Always follows the reference to the publication in which the affected rule text was printed. Statutory effective dates are not referenced.
emergency rule	Indicates that an addition or amendment affecting the section was issued under special rulemaking procedures that exempt it from part or all of the notice, public hearing, approval, or effective date provisions applying to most rules.

errata	Indicates an agency correction was filed with the Secretary of State or, after June 30, 2006, the publisher.
readopted	Indicates a readopted document was filed with the Secretary of State or, after June 30, 2006, the publisher.

4. Publisher's Notes: Publisher's notes may be inserted to expand upon the information contained in an authority or affected line or history line. One or more publisher's notes may follow or be included in a history line. However, publisher's notes never indicate whether a section is enforceable. Related statutory law and case law must be researched independently to ascertain the force and effect of a section.

5. Bracketed Internal References and Other Bracketed Notes: Bracketed internal references usually are inserted in rule text to translate or update obsolete and inaccurate internal references to Indiana statutes or rules. The publisher routinely inserts bracketed internal references to indicate that the publisher has renumbered a provision that is cross-referenced in a rule. The publisher also routinely follows a reference to an Act of the General Assembly or to an *Indiana Code* citation that has been renumbered by the General Assembly with the appropriate current *Indiana Code* citation. The publisher does not translate references to federal statutes, federal rules, or case decisions. Other bracketed notes may appear in the text. For example, if an obvious typographical, clerical, or spelling error appears in the adopted version of a rule, the error is retained in the text followed by the notation “[sic].”

IV. DOCUMENT IDENTIFICATION NUMBER (DIN)

After July 1, 2006, each document that is posted to the *Indiana Register* Web site (-IR- Database) will be assigned a unique DIN. LSA will create the DINs making consistent use of the following conventions:

This “typical DIN” **20060726-IR-317050065FRA** would describe:

- a final rule (**FR**)
- that was posted to the -IR- Database (**-IR-**) Web site
- on **July 26, 2006**.

This final rule project:

- would add a new rule that amends Title **317** of the Indiana Administrative Code
- was assigned LSA Document #05-65 (padded with zeroes **050065**) (which means it was the sixty-fifth rule project brought to the publisher by a state agency in 2005)

Since this was the first document posted with respect to this project on the specified date, the DIN ends with:

- a wild card (**A**).

Each individual document that is posted to the Web site will be internally paginated and stored in a “PDF” format. This would permit citation to the DIN and any specific page within the document that is being referenced.

The Indiana Supreme Court is considering whether any changes are necessary with respect to the Court's rules for citing documents published in the Register under its new format.

A. TYPICAL DOCUMENT IDENTIFICATION NUMBER (DIN)

20060726-IR-317050065FRA

Breakdown of Components in the Above Example:

2006	Year of posting on the Internet
07	Month of posting on the Internet
26	Day of posting on the Internet
-IR-	Indiana Register database
317	Entity identifier (either IAC Title number or a 3-letter designation) (A complete list of the 3-letter designations is printed in Section IV(B) of the User’s Guide to the -IR- Database.)
050065	LSA Document number, which includes two digits for the year it was assigned, and four digits which are sequential throughout that calendar year. Note: Leading zeros are always included in the year and sequential number when LSA refers to the “LSA Document #” in a DIN.
FR	Type of document (Final Rule in this example) (A complete list of the document types is printed below.)
A	Wild card. Most DINs will end in “A”. However, if a second (or subsequent) document with the identical LSA Document # and document type is posted on the -IR Database Web site on the same day as the first document, LSA would proceed through the alphabet to distinguish the second, third, etc., with the wild cards “B”, “C”, etc.

B. LIST OF LETTER-DESIGNATED ENTITIES IN DOCUMENT IDENTIFICATION NUMBER

Letters, instead of numbers, are assigned when an entity, without rulemaking authority under IC 4-22-2 or IC 13-14-9, publishes a document under IC 4-22-7-7. For entities, or divisions of entities, with rulemaking authority publishing a document under IC 4-22-7-7, the title number for that entity or umbrella entity will be used instead of letter characters. For instance, the Indiana Recount Commission is a division of the Secretary of State, so LSA would assign 075 for the Indiana Recount Commission. The list that follows consists of all the entities that published an “Other Notice” or “Nonrule Policy Document” in the *Indiana Register* since October 1999. Entities that have an umbrella entity with an IAC title number are not listed below.

ERC	=	Indiana Emergency Response Commission
GOV	=	Governor (Executive Orders)
IPA	=	Indiana Protection and Advocacy Services
LRC	=	Indiana Lobby Registration Commission
SBC	=	Office of the State Building Commissioner
SRF	=	Drinking Water State Revolving Fund Loan Program

C. LIST OF FILE TYPES SUFFIXES IN DIN (ALPHABETICAL)

[35 file types have been identified]

AC	=	Agency Correction
AF	=	Publisher’s Receipt for Filed Document
AO	=	Attorney General’s Opinions
AR	=	Administrative Rules Oversight Committee Notice
AT	=	Request for Additional Time (Governor)
BF	=	IDEM Final Readoption
BN	=	IDEM Notice of Readoption
BP	=	IDEM Proposed Readoption
CH	=	Change in Notice of Public Hearing
DA	=	Disapproval by Attorney General
DG	=	Disapproval by Governor
EI	=	Economic Impact Statement
EO	=	Executive Orders
ER	=	Emergency Rule
FC	=	IDEM Continuation of First Notice
FD	=	IDEM Findings and Determinations
FI	=	IDEM Fiscal Impact Statement
FN	=	IDEM First Notice
FR	=	Final Rule
NA	=	Notice of Rule Adoption
NI	=	Notice of Intent
NR	=	Nonrule Policy Document
OA	=	Objection to Errata (Attorney General)
OG	=	Objection to Errata (Governor)
ON	=	Other Notice
PC	=	Publisher’s Correction
PH	=	Notice of Public Hearing
PR	=	Proposed Rule
RC	=	Notice of Recall
RF	=	Readopt Final Rule
RN	=	Readopt Notice of Intent
RP	=	Readopt Proposed Rule

SC	=	IDEM Continuation of Second Notice
SN	=	IDEM Second Notice
WD	=	Notice of Withdrawal

V. RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The *Indiana Register* is an official publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as Executive Orders and Attorney General's Opinions, in the *Indiana Register* in the order in which the Indiana Legislative Council receives the documents.

The *Indiana Administrative Code* is an official publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The *Indiana Register* acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the *Indiana Administrative Code*. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the *Indiana Register*. Although a rule becomes effective without publication in the *Indiana Register*, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the *Indiana Register*.

VI. ORGANIZATION OF SITE

The *Indiana Administrative Code*'s main page has a list of IAC titles in title number order. Clicking on a title number will open links to the articles within that title. The IAC will be updated as final rules become effective and archived each calendar year.

The *Indiana Register*'s main page has links in chronological posting order. There are daily links for the current week, weekly links for the previous four (4) weeks, and monthly links for the current year. Each link has a counter indicating the number of documents in that subcollection. The *Indiana Register* will be archived at the end of each calendar year. Clicking on one (1) of the chronological links will open a page with links to the various types of documents published in the *Indiana Register* with a counter indicating the number of documents the subcollection contains. The links are grouped as follows:

ALL DOCUMENTS

All documents posted during that time period in title number order.

NOTICES:

- Recalls
- Withdrawals
- Rule Adoptions (Family and Social Services)
- Notices of Public Hearing
- Changes in Notices of Public Hearing
- Notices of Intent to Adopt a Rule (and Readoptions)
- Administrative Rules Oversight Committee Notices
- Indiana Department of Environmental Management Notices
 - First Notices and Continuations
 - Second Notices and Continuations
 - Findings and Determinations
 - Notices of Readoption
 - Fiscal Impact
- Other Notices

RULES:

- Proposed Rules (and Readoptions)
- Final Rules (and Readoptions)
- Emergency Rules
- Errata
- Publisher's Receipts for Filed Documents

GOVERNOR'S ACTIONS:

- Executive Orders and Proclamations
- Requests for Additional Time
- Disapprovals and Objections

ATTORNEY GENERAL'S ACTIONS:

- Opinions
- Disapprovals and Objections

NONRULE POLICY DOCUMENTS

VII. RELATED DOCUMENTS LINK

A “Related Documents” link appears in all types of documents. Clicking this “Related Documents” link gathers and displays the entire family of documents related to the document, of whatever type, being viewed. In addition, embedded in each Proposed Rule are “Related Documents” links that direct the user to the “IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses” and “Notice of Public Hearing” associated with the Proposed Rule.

VIII. JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the *Indiana Register* or the *Indiana Administrative Code*. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by *Indiana Administrative Code* citation. For example, cite the entire current contents of title 312 as "Title 312 of the *Indiana Administrative Code*," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments.

The Indiana Supreme Court is considering whether any changes are necessary with respect to the Court's rules for citing documents published in the Register under its new format.

IX. PRINTING STYLE

This style type is used to indicate that substantive text is being inserted by amendment into a rule, and ~~this style type~~ is used to indicate that substantive text is being eliminated by amendment from a rule. ~~This style type~~ is replaced by a single large “X” to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule.

X. POSTING SCHEDULE

The Legislative Services Agency (LSA) publishes documents on the Indiana General Assembly Web site Wednesdays at 3:00 p.m. “Publisher’s Receipts for Filed Documents” are required by IC 4-22-2-39(c) to be posted within three (3) business days of their being forwarded to LSA from the Governor’s Office. If no documents have been submitted to the publisher for which the editorial review has been completed, there will be no postings on that particular Wednesday.

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:30 p.m. or, except for Final Rules, Emergency Rules, Final Readoptions, and Agency Corrections, by e-mail at register@iga.state.in.us.

At a future date, LSA may determine it advisable to post documents on a more frequent basis. In that event, LSA will provide appropriate notice to users of the -IR- Database site.

XI. DOCUMENTS PUBLISHED IN THE INDIANA REGISTER

ADMINISTRATIVE RULES OVERSIGHT COMMITTEE (AROC) NOTICES

IC 2-5-18-4; IC 4-22-2-19; IC 4-22-2-25

NOTICES OF INTENT TO ADOPT A RULE

IC 4-22-2-23

PROPOSED RULES, ECONOMIC IMPACT STATEMENTS, NOTICES OF PUBLIC HEARINGS, AND CHANGES IN NOTICES OF PUBLIC HEARINGS

IC 4-22-2-24; IC 4-22-2.1-5

DISAPPROVALS BY THE ATTORNEY GENERAL

IC 4-22-2-32; IC 4-22-7-7

DISAPPROVALS BY THE GOVERNOR AND REQUESTS FOR ADDITIONAL TIME

IC 4-22-2-34; IC 4-22-7-7

PUBLISHER'S RECEIPTS FOR FILED DOCUMENTS

IC 4-22-2-35; IC 4-22-2-37.1; IC 4-22-2-38

EMERGENCY RULES

IC 4-22-2-37.1

AGENCY CORRECTIONS AND OBJECTIONS TO ERRATA

IC 4-22-2-38

NOTICES OF RECALL

IC 4-22-2-40

NOTICES OF WITHDRAWAL

IC 4-22-2-41

NOTICES OF INTENT TO READOPT A RULE, PROPOSED READOPTIONS, AND FINAL READOPTIONS

IC 4-22-2.5

FINAL RULES

IC 4-22-7-5

EXECUTIVE ORDERS, PROCLAMATIONS, ATTORNEY GENERAL'S OPINIONS, OTHER NOTICES, AND NONRULE POLICY DOCUMENTS

IC 4-22-7-7

PUBLISHER'S CORRECTIONS

IC 4-22-8-6

NOTICES OF RULE ADOPTIONS

IC 12-8-3-4.4

IDEM FIRST NOTICES AND CONTINUATIONS OF FIRST NOTICES

IC 13-14-9-3

IDEM SECOND NOTICES AND CONTINUATIONS OF SECOND NOTICES

IC 13-14-9-4

IDEM FISCAL IMPACT STATEMENTS

IC 13-14-9-4.2

IDEM FINDINGS AND DETERMINATIONS

IC 13-14-9-7

IDEM NOTICES OF READOPTION, PROPOSED READOPTIONS, AND FINAL READOPTIONS

IC 13-14-9.5

XII. OTHER CITES RELEVANT TO THE RULEMAKING PROCESS

PUBLIC ACCESS TO RULES AND PROPOSED RULES

IC 4-22-2-17

JOINT PROMULGATIONS

IC 4-22-2-18

ELECTRONIC SUBMISSIONS TO PUBLISHER AND FORMAT OF DOCUMENTS

IC 4-22-2-20

INCORPORATIONS BY REFERENCE

IC 4-22-2-21

ATTORNEY GENERAL AS LEGAL ADVISOR FOR AGENCIES

IC 4-22-2-22

EFFECTIVE DATE OF RULES

IC 4-22-2-36

PROMULGATION PERIOD: In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the Notice of Intent to Adopt a Rule is published. The final rule must then be filed with the publisher.

BUDGET APPROVAL

Executive Order 2-89

XIII. STATE AGENCIES LIST (ALPHABETICAL)

Accountancy, Indiana Board of	872
Accounts, State Board of	20
Adjutant General	270
Administration, Indiana Department of	25
†Administrative Building Council of Indiana	660
†Aeronautics Commission of Indiana	110
Aging, Division of	455
†Aging and Community Services, Department on	450
†Agricultural Development Corporation, Indiana	770
†Agricultural Experiment Station	350
†Agriculture, Commissioner of	340
Agriculture, Department of	375
†Air Pollution Control Board	325.1
Air Pollution Control Board	326
†Air Pollution Control Board of the State of Indiana	325
Alcohol and Tobacco Commission	905
Amusement Device Safety Board, Regulated	685
Animal Health, Indiana State Board of	345
Architects and Landscape Architects, Board of Registration for	804
Athletic Trainers Board, Indiana	898
Attorney General for the State, Office of	10
Auctioneer Commission, Indiana	812
Barber Examiners, Board of	816
Boiler and Pressure Vessel Rules Board	680
Boxing Commission, State	808
Budget Agency	85
Chemist of the State of Indiana, State	355
Children's Health Insurance Program, Office of the	407
Child Services, Department of	465
Chiropractic Examiners, Board of	846
Civil Rights Commission	910
†Clemency Commission, Indiana	230
Commerce, Department of	55
Community Residential Facilities Council	431
Consumer Protection Division of the Office of the Attorney General	11
Controlled Substances Advisory Committee	858
Coroners Training Board	207
Correction, Department of	210
Cosmetology Examiners, State Board of	820
Creamery Examining Board	365
Criminal Justice Institute, Indiana	205
Deaf Board, Indiana School for the	514
Dentistry, State Board of	828
†Developmental Disabilities Residential Facilities Council	430
Dietitians Certification Board, Indiana	830
Disability and Rehabilitative Services, Division of	460
Economic Development Corporation, Indiana	55
†Education, Commission on General	510
Education, Department of	512
Education, Indiana State Board of	511

Education Employment Relations Board, Indiana	560
Education Savings Authority, Indiana	540
Egg Board, State	370
†Election Board, State	15
Election Commission, Indiana	18
†Elevator Safety Board	670
Emergency Medical Services Commission, Indiana	836
Employees' Appeals Commission, State	33
†Employment and Training Services, Department of	645
Engineers, State Board of Registration for Professional	864
Enterprise Zone Board	58
Environmental Adjudication, Office of	315
Environmental Health Specialists, Board of	896
Environmental Management, Department of	318
†Environmental Management Board, Indiana	320
Ethics Commission, State	40
Fair Commission, State	80
Family Resources, Division of	470
Family and Social Services, Office of the Secretary of	405
Finance Authority, Indiana	135
Financial Institutions, Department of	750
†Fire Marshal, State	650
Fire Prevention and Building Safety Commission	675
Firefighting Personnel Standards and Education, Board of	655
Forensic Sciences, Commission on	415
Funeral and Cemetery Service, State Board of	832
Gaming Commission, Indiana	68
Geologists, Indiana Board of Licensure for Professional	305
Grain Buyers and Warehouse Licensing Agency, Indiana	824
Grain Indemnity Corporation, Indiana	825
†Hazardous Waste Facility Site Approval Authority, Indiana	323
Health, Indiana State Department of	410
Health Facilities Council, Indiana	412
Health Facility Administrators, Indiana State Board of	840
†Highways, Department of	120
Home Inspectors Licensing Board	878
Homeland Security, Department of	290
†Horse Racing Commission, Indiana	70
Horse Racing Commission, Indiana	71
Hospital Council	414
Housing and Community Development Authority, Indiana	930
†Human Service Programs, Interdepartmental Board for the Coordination of	490
†Industrial Board of Indiana	630
Inspector General, Office of the	42
Insurance, Department of	760
Labor, Department of	610
Land Surveyors, State Board of Registration for	865
Law Enforcement Training Board	250
Library and Historical Board, Indiana	590
†Library Certification Board	595
Lieutenant Governor, Office of the	16
Local Government Finance, Department of	50

Lottery Commission, State	65
Manufactured Home Installer Licensing Board	879
†Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Medical Licensing Board of Indiana	844
Mental Health and Addiction, Division of	440
Meridian Street Preservation Commission	925
Motor Vehicles, Bureau of	140
†Natural Resources, Department of	310
Natural Resources Commission	312
Nursing, Indiana State Board of	848
Occupational Safety Standards Commission	620
Office of Technology	28
Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Optometry Board, Indiana	852
Parole Board	220
†Personnel Board, State	30
Personnel Department, State	31
Pesticide Review Board, Indiana	357
Pharmacy, Indiana Board of	856
Plumbing Commission, Indiana	860
Podiatric Medicine, Board of	845
Police Department, State	240
Political Subdivision Risk Management Commission, Indiana	762
Port Commission, Indiana	130
Preparedness and Training, Division of	280
Private Detectives Licensing Board	862
Professional Standards, Advisory Board of the Division of	515
Proprietary Education, Indiana Commission on	570
Psychology Board, State	868
Public Access Counselor, Office of the	62
Public Employees' Retirement Fund, Board of Trustees of the	35
Public Records, Oversight Committee on	60
Real Estate Commission, Indiana	876
†Reciprocity Commission of Indiana	145
Revenue, Department of State	45
Safety Review, Board of	615
School Bus Committee, State	575
Secretary of State	75
Securities Division	710
Seed Commissioner, State	360
Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
†Soil and Water Conservation Committee, State	311
Soil Scientists, Indiana Board of Registration for	307
†Solid Waste Management Board	320.1
Solid Waste Management Board	329
Speech-Language Pathology and Audiology Board	880
†Standardbred Board of Regulations, Indiana	341
†Stream Pollution Control Board of the State of Indiana	330
Student Assistance Commission, State	585
Tax Review, Indiana Board of	52
†Teacher Training and Licensing, Commission on	530
Teachers' Retirement Fund, Board of Trustees of the Indiana State	550

†Television and Radio Service Examiners, Board of	884
†Textbook Adoptions, Commission on	520
Toxicology, State Department of	260
†Traffic Safety, Office of	150
†Transportation, Department of	100
Transportation, Indiana Department of	105
Underground Storage Tank Financial Assurance Board	328
†Unemployment Insurance Board, Indiana	640
Utility Regulatory Commission, Indiana	170
†Vehicle Inspection, Department of	160
Veterans' Affairs Commission	915
Veterinary Medical Examiners, Indiana Board of	888
Victim Services Division	203
†Violent Crime Compensation Division	480
†Vocational and Technical Education, Indiana Commission on	572
†Wage Adjustment Board	635
War Memorials Commission, Indiana	920
†Watch Repairing, Indiana State Board of Examiners in	892
Water Pollution Control Board	327
†Water Pollution Control Board	330.1
Worker's Compensation Board of Indiana	631
Workforce Development, Department of	646

† = Agency's rules are expired, repealed, transferred, or otherwise voided.

XIV. STATE AGENCIES LIST (BY TITLE NUMBER)

10	Office of Attorney General for the State
11	Consumer Protection Division of the Office of the Attorney General
†15	State Election Board
16	Office of the Lieutenant Governor
18	Indiana Election Commission
20	State Board of Accounts
25	Indiana Department of Administration
28	Office of Technology
†30	State Personnel Board
31	State Personnel Department
33	State Employees' Appeals Commission
35	Board of Trustees of the Public Employees' Retirement Fund
40	State Ethics Commission
42	Office of the Inspector General
45	Department of State Revenue
50	Department of Local Government Finance
52	Indiana Board of Tax Review
55	Indiana Economic Development Corporation
58	Enterprise Zone Board
60	Oversight Committee on Public Records
62	Office of the Public Access Counselor
65	State Lottery Commission
68	Indiana Gaming Commission
†70	Indiana Horse Racing Commission
71	Indiana Horse Racing Commission
75	Secretary of State
80	State Fair Commission
85	Budget Agency
†100	Department of Transportation
105	Indiana Department of Transportation
†110	Aeronautics Commission of Indiana
†120	Department of Highways
130	Indiana Port Commission
135	Indiana Finance Authority
140	Bureau of Motor Vehicles
†145	Reciprocity Commission of Indiana
†150	Office of Traffic Safety
†160	Department of Vehicle Inspection
170	Indiana Utility Regulatory Commission
203	Victim Services Division
205	Indiana Criminal Justice Institute
207	Coroners Training Board
210	Department of Correction
220	Parole Board
†230	Indiana Clemency Commission
240	State Police Department
250	Law Enforcement Training Board
260	State Department of Toxicology
270	Adjutant General
280	Division of Preparedness and Training

290	Department of Homeland Security
305	Indiana Board of Licensure for Professional Geologists
307	Indiana Board of Registration for Soil Scientists
†310	Department of Natural Resources
†311	State Soil and Water Conservation Committee
312	Natural Resources Commission
315	Office of Environmental Adjudication
318	Department of Environmental Management
†320	Indiana Environmental Management Board
†320.1	Solid Waste Management Board
†323	Indiana Hazardous Waste Facility Site Approval Authority
†325	Air Pollution Control Board of the State of Indiana
†325.1	Air Pollution Control Board
326	Air Pollution Control Board
327	Water Pollution Control Board
328	Underground Storage Tank Financial Assurance Board
329	Solid Waste Management Board
†330	Stream Pollution Control Board of the State of Indiana
†330.1	Water Pollution Control Board
†340	Commissioner of Agriculture
†341	Indiana Standardbred Board of Regulations
345	Indiana State Board of Animal Health
†350	Agricultural Experiment Station
355	State Chemist of the State of Indiana
357	Indiana Pesticide Review Board
360	State Seed Commissioner
365	Creamery Examining Board
370	State Egg Board
375	Department of Agriculture
405	Office of the Secretary of Family and Social Services
407	Office of the Children's Health Insurance Program
410	Indiana State Department of Health
412	Indiana Health Facilities Council
414	Hospital Council
415	Commission on Forensic Sciences
†430	Developmental Disabilities Residential Facilities Council
431	Community Residential Facilities Council
440	Division of Mental Health and Addiction
†450	Department on Aging and Community Services
455	Division of Aging
460	Division of Disability, Aging, and Rehabilitative Services
465	Department of Child Services
470	Division of Family Resources
†480	Violent Crime Compensation Division
†490	Interdepartmental Board for the Coordination of Human Service Programs
†510	Commission on General Education
511	Indiana State Board of Education
512	Department of Education
514	Indiana School for the Deaf Board
515	Advisory Board of the Division of Professional Standards
†520	Commission on Textbook Adoptions
†530	Commission on Teacher Training and Licensing

540	Indiana Education Savings Authority
550	Board of Trustees of the Indiana State Teachers' Retirement Fund
560	Indiana Education Employment Relations Board
570	Indiana Commission on Proprietary Education
†572	Indiana Commission on Vocational and Technical Education
575	State School Bus Committee
†580	Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
585	State Student Assistance Commission
590	Indiana Library and Historical Board
†595	Library Certification Board
610	Department of Labor
615	Board of Safety Review
620	Occupational Safety Standards Commission
†630	Industrial Board of Indiana
631	Worker's Compensation Board of Indiana
†635	Wage Adjustment Board
†640	Indiana Unemployment Insurance Board
†645	Department of Employment and Training Services
646	Department of Workforce Development
†650	State Fire Marshal
655	Board of Firefighting Personnel Standards and Education
†660	Administrative Building Council of Indiana
†670	Elevator Safety Board
675	Fire Prevention and Building Safety Commission
680	Boiler and Pressure Vessel Rules Board
685	Regulated Amusement Device Safety Board
710	Securities Division
750	Department of Financial Institutions
760	Department of Insurance
762	Indiana Political Subdivision Risk Management Commission
†770	Indiana Agricultural Development Corporation
804	Board of Registration for Architects and Landscape Architects
808	State Boxing Commission
812	Indiana Auctioneer Commission
816	Board of Barber Examiners
820	State Board of Cosmetology Examiners
824	Indiana Grain Buyers and Warehouse Licensing Agency
825	Indiana Grain Indemnity Corporation
828	State Board of Dentistry
830	Indiana Dietitians Certification Board
832	State Board of Funeral and Cemetery Service
836	Indiana Emergency Medical Services Commission
839	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board
840	Indiana State Board of Health Facility Administrators
844	Medical Licensing Board of Indiana
845	Board of Podiatric Medicine
846	Board of Chiropractic Examiners
848	Indiana State Board of Nursing
852	Indiana Optometry Board
856	Indiana Board of Pharmacy
857	Indiana Optometric Legend Drug Prescription Advisory Committee

858	Controlled Substances Advisory Committee
860	Indiana Plumbing Commission
862	Private Detectives Licensing Board
864	State Board of Registration for Professional Engineers
865	State Board of Registration for Land Surveyors
868	State Psychology Board
872	Indiana Board of Accountancy
876	Indiana Real Estate Commission
878	Home Inspectors Licensing Board
879	Manufactured Home Installer Licensing Board
880	Speech-Language Pathology and Audiology Board
†884	Board of Television and Radio Service Examiners
888	Indiana Board of Veterinary Medical Examiners
†892	Indiana State Board of Examiners in Watch Repairing
896	Board of Environmental Health Specialists
898	Indiana Athletic Trainers Board
905	Alcohol and Tobacco Commission
910	Civil Rights Commission
915	Veterans' Affairs Commission
920	Indiana War Memorials Commission
925	Meridian Street Preservation Commission
930	Indiana Housing and Community Development Authority

† = Agency's rules are expired, repealed, transferred, or otherwise voided.

XV. PDF AND HTML FORMATS

Indiana Register documents have links to both a PDF version and an HTML version. The *Indiana Administrative Code (IAC)* has only a PDF version. The PDF version of both the *Indiana Register* and the *IAC* has been designated the official version. Only the PDF document and its internal pagination should be used for citation purposes.
